

1 Andrew H. Wilson, SBN #063209
WILSON, RYAN & CAMPILONGO
2 115 Sansome St., 4th Floor
San Francisco, California 94104
3 (415) 391-3900
Telefax: (415) 954-0938
4

5 Laurie J. Bartilson, SBN #139220
MOXON & BARTILSON
6 6255 Sunset Boulevard, Suite 2000
Hollywood, CA 90028
(213) 960-1936
7 Telefax: (213) 953-3351

8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
9 INTERNATIONAL

RECEIVED

SEP 19 1995

HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN
12

13 CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California not-)
14 for-profit religious corporation,)

15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

Plaintiff,

vs.

GERALD ARMSTRONG; DOES 1 through
25, inclusive,

Defendants.

) CASE NO. 157 680
) [CONSOLIDATED]
)
) CHURCH OF SCIENTOLOGY
) INTERNATIONAL'S EX PARTE
) APPLICATION FOR AN ORDER
) STRIKING ARMSTRONG'S
) EVIDENCE IN SUPPORT OF
) OPPOSITION TO PLAINTIFF'S
) PENDING MOTIONS FOR SUMMARY
) ADJUDICATION, OR, IN THE
) ALTERNATIVE, FOR AN ORDER
) SEALING THE FOLLOWING
) EXHIBITS: VOL. VI, EX.
) 1(J)(A), EX. 1(J)(M); VOL.
) VII, EX. 1(J)(M); VOL. IX,
) EX. 2(A), 2(C), 3(B), 5(B),
) AND 7(A); REQUEST FOR
) SANCTIONS [C.C.P. §
) 437c(i)]
)
) DATE: September 19, 1995
) TIME: 9:30 a.m.
) DEPT: 1
)
) TRIAL DATE: None set

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
2 PLEASE TAKE NOTICE that on September 19, 1995, at 9:30 a.m.,
3 in Department 1 of the above-entitled Court, located at Hall of
4 Justice, 3501 Civic Center Drive, San Rafael, California,
5 plaintiff Church of Scientology International will and hereby
6 does apply for an order:

(1) Striking Armstrong's ten volumes of Evidence In
8 Opposition to Motions For Summary Adjudication, or, in the
9 alternative,

(2) Sealing the following exhibits contained in that
10 "evidence": Volume VI, Exhibits 1(J)(A), 1(J)(M); Volume VII,
11 Exhibit 1(J)(M); Volume IX, Exhibits 2(A), 2(C), 3(B), 5(B), AND
12 7(A) ("the Confidential Exhibits").

13 Plaintiff will also seek sanctions against defendant
14 Armstrong, pursuant to Code of Civil Procedure § 437c(i) for his
15 bad faith filing of irrelevant and confidential material for the
16 twin purposes of harassment and delay.

17 As grounds for this application, plaintiff states:

18 1. Defendant Armstrong sought and obtained leave to file
19 and serve an additional opposition to plaintiff's motions by
20 10:00 a.m. on Monday, September 18, 1995, many months after the
21 opposition papers were actually due. Nonetheless, the papers
22 were not filed with this Court on the morning of September 18 as
23 ordered;

24 2. Armstrong's counsel asserted that he wished merely to
25 file with the Court a memorandum of points and authorities in
26 opposition to the motions, which had not previously been filed.
27
28

Not what it says

taken out

Why Detain Motion filed by Walter 1994

What Fred Decl

Def. could not file cases

Toal Freedom

TRAP

Resistive Cases

1 However, Armstrong has filed, in addition to the memorandum, ten
2 volumes of irrelevant documents, many of which have already been
3 filed with this Court and/or stricken from its records;

4 3. Most of the exhibits offered by Armstrong are not
5 referenced at all in the memorandum of points and authorities,
6 and none offer any evidence which is probative of the pending
7 motions. The volumes of exhibits appear to be simply yet another
8 gratuitous effort on the part of Armstrong to convince the Court
9 that he should prevail in this action because "God is on his
10 side." As this Court has already held, however, "[t]he religious
11 beliefs of the parties are irrelevant in determining the issues
12 in this action";

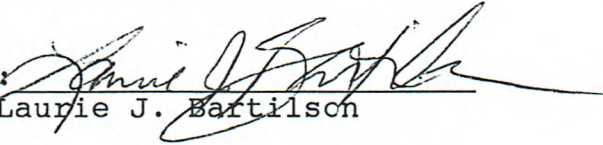
13 4. Armstrong's counsel assured plaintiff's counsel that
14 Armstrong would not attempt to re-file any of plaintiff's
15 confidential materials, and has even stated that he instructed
16 Armstrong not to file any of plaintiff's confidential documents.
17 Nonetheless, Armstrong has included 9 exhibits in his filing
18 which consist of altered, copied or re-created versions of highly
19 sacred confidential scriptures which are always maintained
20 confidential as a matter of Church doctrine and belief. Further,
21 these materials are confidential trade secrets belonging to the
22 Church, which Civil Code § 3426.5 provides shall be protected by
23 such measures as sealing the files. Armstrong's inclusion of
24 these documents in his filing is a clear demonstration that the
25 "evidence" is filed in bad faith, and to delay resolution of
26 plaintiff's long-pending motions.

27 This application is based this notice of motion, the
28

1 attached Memorandum of Points and Authorities, the declaration of
2 Andrew H. Wilson filed in support hereof, the records and files
3 in this case and such other argument and evidence as may be
4 adduced at or before the hearing on this application.

5 Dated: September 19, 1995 Respectfully submitted,

6 Andrew H. Wilson
7 WILSON, RYAN & CAMPILONGO
8 MOXON & BARTILSON

9 By: 
10 Laurie J. Bartilson

11 Attorneys for Plaintiff
12 CHURCH OF SCIENTOLOGY INTERNATIONAL
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of California, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On September 19, 1995, I served the foregoing documents described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION, OR, IN THE ALTERNATIVE, FOR AN ORDER SEALING THE FOLLOWING EXHIBITS: VOL. VI, EX. 1(J)(A), EX. 1(J)(M); VOL. VII, EX. 1(J)(M); VOL. IX, EX. 2(A), 2(C), 3(B), 5(B), AND 7(A); REQUEST FOR SANCTIONS [C.C.P. § 437C(i)]; CHURCH OF SCIENTOLOGY INTERNATIONAL'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION, OR, IN THE ALTERNATIVE, FOR AN ORDER SEALING THE FOLLOWING EXHIBITS: VOL. VI, EX. 1(J)(A), EX. 1(J)(M); VOL. VII, EX. 1(J)(M); VOL. IX, EX. 2(A), 2(C), 3(B), 5(B), AND 7(A); REQUEST FOR SANCTIONS [C.C.P. § 437C(i)]; DECLARATION OF ANDREW H. WILSON IN SUPPORT OF CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION, OR, IN THE ALTERNATIVE, FOR AN ORDER SEALING THE FOLLOWING EXHIBITS: VOL. VI, EX. 1(J)(A), EX. 1(J)(M); VOL. VII,

EX. 1(J)(M); VOL. IX, EX. 2(A), 2(C), 3(B), 5(B), AND 7(A); REQUEST FOR SANCTIONS [C.C.P. § 437C(i)]; and [PROPOSED] ORDER RE CHURCH OF SCIENTOLOGY INTERNATIONAL'S EX PARTE APPLICATION FOR AN ORDER STRIKING ARMSTRONG'S EVIDENCE IN SUPPORT OF OPPOSITION TO PLAINTIFF'S PENDING MOTIONS FOR SUMMARY ADJUDICATION, OR, IN THE ALTERNATIVE, FOR AN ORDER SEALING THE FOLLOWING EXHIBITS: VOL. VI, EX. 1(J)(A), EX. 1(J)(M); VOL. VII, EX. 1(J)(M); VOL. IX, EX. 2(A), 2(C), 3(B), 5(B), AND 7(A); REQUEST FOR SANCTIONS [C.C.P. § 437C(i)] on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 9493

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit;


and by HAND SERVICE on Ford Greene, attorney for defendant Gerald Armstrong.

Executed on September 19, 1995, at San Rafael, California.

(State) I declare under penalty of the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laune Bastion
Print or Type Name


Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)